

10/632,030

RemarksA. Period For Reply

A shortened statutory period was set to expire three months from the Office Action of February 2, 2005. Three months from February 2, 2005 is May 2, 2005. This Amendment and Remarks is being filed on or before Monday, May 2, 2005.

B. Status

The Office Action was non-final.

C. Disposition Of Claims

Claims 1-6 are pending.

D. Application Papers

At the appropriate time, approval would be appreciated of the sheet of formal drawing filed with the filing of this case on July 31, 2003.

E. Priority under 35 U.S.C. §§ 119 and 120

Acknowledgment of the claim for foreign priority and of the receipt of the priority document were made in the Office Action dated February 2, 2005. This is appreciated. However, instead of box 12.a.1. being checked, box 12.a.2. should be checked because this application is a continuation-in-part application and the certified copy of the priority document was filed in the parent case no. 10/615,435 filed on July 8, 2003. Correction of such would be very much appreciated.

As to domestic priority, and as noted above, this case is a continuation-in-part of U.S. Patent Application 10/615,435 filed on July 8, 2003 and claims the benefit thereof.

(18450.DOC) (Amendment and Remarks--page 6 of 13)

10/632,030

F. Attachments

Applicant filed four PTO-1449 forms in this application on the respective dates of:

- 1) July 31, 2003;
- 2) November 21, 2003 (having a mailing date of November 18, 2003);
- 3) October 13, 2004; and
- 4) November 10, 2004.

All of the listings of references on such forms have been initialed. All of the forms have been signed and returned. This is very much appreciated.

G. Basis for amendmentsG.1. Basis for amendments to the specification

The specification has been amended to provide explicit basis for --diametrically opposite--, basis for which is found in the specification as follows:

- in Figure 1(a) that shows in phantom a diametrically opposite rocking; and
- in paragraph [0095] that calls out an upward and downward rocking.

Diametrically opposite rocking is now recited in new claim 5.

G.2. Basis for amendments to the claims and basis for new claims

Basis for the amendments to claims 1 and 2 are the claims 1 and 2 as originally filed, as the amendments are merely grammatical in form.

Basis for the amendment to claim 3 is claim 1 as originally filed.

(18450.DOC) (Amendment and Remarks--page 7 of 13)

10/632,030

Basis for new dependent claim 4 is dependent claim 2 as originally filed.

Basis for new claim 5 is claim 3 as originally filed and claim 1 as originally filed. New claim 5 is identical to amended claim 3 except that "an upward and downward" has been replaced by --a diametrically opposite--. As indicated above, basis for "diametrically opposite" is the disclosure of "upward and downward" in the specification and a showing of diametrically opposite rocking in phantom in Figure 1(a).

Basis for new claim 6 is original claim 2. New claim 6 is identical to amended claim 2 except that claim 6 is dependent upon claim 5.

H. The Office Action

H.1. Section 1 of the Office Action

In section 1 of the Office Action, claims 1-3 were objected to on the basis of informalities.

All of the suggestions of the Patent Office have been adopted, except for informality H. in claim 3 which is now an independent claim, and except for informality I., the nature of which has been adopted. Further suggestions, if any, would be welcomed.

H.2. Section 2 of the Office Action

In section 2 of the Office Action, it was stated that claims 1-3 of this application conflict with claims 1-3 of copending U.S. Patent Application No. 10/615,435 and that applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications.

Applicant has now filed an Express Abandonment of U.S. Patent Application No. 10/615,435.

(18450.DOC) (Amendment and Remarks--page 8 of 13)

10/632,030

H.3. Section 3 of the Office Action

In section 3 of the Office Action, double patenting rejections were explained.

As noted above, applicant has now filed an Express Abandonment of U.S. Patent Application No. 10/615,435.

H.4. Section 4 of the Office Action

In section 4 of the Office Action, 35 U.S.C. 101 was set forth.

H.5. Section 5 of the Office Action

In section 5 of the Office Action, claims 1-3 were rejected under 35 U.S.C. 101 on the ground that they contain the same subject matter as claimed in copending U.S. Patent Application No. 10/615,435.

As noted above, applicant has now filed an Express Abandonment of U.S. Patent Application No. 10/615,435.

H.6. Section 6 of the Office Action

In section 6 of the Office Action, a quotation of 35 U.S.C. 102 was set out.

H.7. Section 7 of the Office Action

In section 7 of the Office Action, claims 1-2 were rejected under 35 U.S.C. 102(b) as being anticipated by Kawajiri et al. (U.S. Patent No. 4,873,217). This rejection is respectfully traversed on the basis of applicant's discussion below in section I. of this paper.

H.8. Section 8 of the Office Action

In section 8 of the Office Action, claim 3 was objected

(18450.DOC) (Amendment and Remarks--page 9 of 13)

10/632,030

to as being dependent upon a rejected base claim, but it was indicated that claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This is very much appreciated.

Claim 3 has been rewritten in independent form including all of the limitations of the base claim. There are no intervening claims.

I. Applicant's discussion

As noted above, claims 1-2 were rejected under 35 U.S.C. 102(b) as being anticipated by Kawajiri et al. (U.S. Patent No. 4,873,217). The Office Action provides that:

With respect to the limitation on "the step of carrying out simultaneous revolving and rocking of a treatment container charged with the carrier and a catalyst precursor including the catalytic component", it is considered the claims are met by the teaching of the reference because Kawajiri teaches to perform the process using a centrifugal flow coating device, which involves revolving and rocking of the catalytic materials inside of the device at the same time.

It is respectfully submitted that the underlined phrase is not a teaching of the Kawajiri et al. reference.

The Kawajiri et al. '217 reference teaches only revolving. The Kawajiri et al. '217 reference does not teach rocking.

The Kawajiri et al. '217 reference corresponds to JP-A-315147/1988 which is cited as Patent Document 1 in the portion of the present application entitled Background Art. The attention of the Patent Office is respectfully directed to the following portions of the present specification:

1. Page 1, line 26, to page 2, line 4;
2. Page 2, lines 11-12; and
3. Page 3, lines 3-18.

Such portions of the specification refer to a "revolving-dish type apparatus" and it is this revolving dish type

10/632,030

apparatus that corresponds to the centrifugal flow coating device of the Kawajiri et al. '217 reference.

The present specification provides on page 3, lines 3-18 as follows:

[0020] As to the aforementioned conventional process for supporting the catalytic component onto the carrier by the stir-mixing, there are problems such that: the supporting ratio is low, and the production yield of the objective catalyst is low, and the physical strength of the supported catalyst is low.

[0021] As to the aforementioned apparatus carrying out the stir-mixing simply by revolving the treatment container (e.g. revolving-dish type apparatus and revolving-cylinder type apparatus), the stirring efficiency of the carrier and the catalyst precursor is not very good, and therefore, the ununiformity in the adhesion of the catalyst precursor to the carrier takes place, so that the dispersion occurs to the particle diameters of the catalyst as obtained by the supporting treatment. Particularly, in the case of the revolving-dish type apparatus that has hitherto most generally been used, the treatment is carried out in the dish type treatment container having a large area, and therefore a large quantity of the catalyst precursor remains adhering to the inner surface of the treatment container without being supported on the carrier. As a result, there are the problems such that: the production yield of the catalyst is low, and the physical strength of the catalyst is also low.

Through a comparison and contrast between the Kawajiri et al. '217 reference and the present invention, the following differences can be seen:

- The centrifugal flow coating device being used by the Kawajiri et al. '217 reference uses a dish-type supporting container, whereas the present invention uses a capsule-type supporting container.
- The principle behind the Kawajiri et al. '217 reference is, literally to the letters, centrifugal flow, where the centrifugal force is applied to the contents of a revolving dish so that the catalytic component becomes engaged to a carrier to become supported. The structure incorporating the principle is a "dish" inside a supporting container

(18450.DOC) (Amendment and Remarks--page 11 of 13)

10/632,030

where the dish revolves at a high speed to thereby cause the contents of the dish to flow and collide at right angles with a "wall" with which the dish is equipped.

- The principle behind the present invention is much like rolling a snowball to a size sufficient for one of the three snowballs of a conventional snowman. When one rolls a snowball, especially in wet snow, the snowball takes on mass quickly and unevenly such that it falls off to one side. As the snowball is further pushed, it begins to fall off to another side or even further to the same side such that the trail left by the snowball is not straight, but winds about in an unpredictable path. Likewise, with the present revolving-rocking type mixer, the force applied to the contents is basically the force applied by the spin of the contents on their own axes while the contents are falling.
- Centrifugal force is not positively applied or exclusively applied with the present revolving-rocking type mixer, whereas centrifugal force is essentially the exclusive force in the centrifugal flow coating device of the Kawajiri et al. '217 reference. It may be impossible to say that centrifugal force is not applied at all in the case of the present revolving-rocking type mixer. However, it is possible to say that the centrifugal force in the case of the present revolving-rocking type mixer has been extremely reduced relative to the Kawajiri et al. '217 reference.

In light of the above, allowance of independent claim 1 and its dependent claim 2 is respectfully requested.

(18450.DOC) (Amendment and Remarks--page 12 of 13)

10/632,030

J. New claims 4-6

New claim 4 is being presented. This claim is identical to originally filed dependent claim 2 except that the dependency of this claim is on claim 3, which is now an independent claim.

New claim 5 is being presented. This claim is identical to amended claim 3 except that "an upward and downward" has been replaced by --a diametrically opposite--.

New claim 6 is being presented. This claim is identical to amended claim 2 except that this claim is dependent upon claim 5.

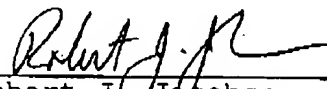
Consideration of new claims 4-6 would be appreciated.

K. Summary

The Kawajiri et al. '217 reference teaches revolving, but not rocking. Independent claim 1 positively claims the step of simultaneous revolving and rocking.

The Examiner is respectfully invited to make contact with the undersigned by telephone if such would advance prosecution of this case.

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